

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BAY MARINE SALVAGE AND
SERVICES, LTD.,

Plaintiff,

Case Number 08-11407
Honorable Thomas L. Ludington

v.

MOTOR VESSEL 44' EGG HARBOR,
MC 7336 KA; JASON BEDELL,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
MOTION FOR DEFAULT JUDGMENT**

On June 16, 2008, Plaintiff filed a second amended verified complaint [Dkt # 16] against Defendant Motor Vessel 44' Egg Harbor, MC 7336 KA and Defendant Jason Bedell. On June 11, 2009, the Clerk of the Court entered a default as to both Defendants. On July 23, 2009, Plaintiff filed a motion for default judgment as to both Defendants and for an order of sale of vessel [Dkt. # 32]. Despite a specific request issued by Magistrate Judge Charles E. Binder, Defendants did not file a response. Now before the Court is the report and recommendation of the magistrate judge [Dkt. # 35], issued on September 21, 2009, recommending that Plaintiff's motion be granted.

As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the report and recommendation of the magistrate judge [Dkt. # 35] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for default judgment as to both Defendants and for order of sale of vessel [Dkt. # 32] is **GRANTED**.

It is further **ORDERED** that Plaintiff is **DIRECTED** to submit a proposed default judgment, consistent with the relief sought in Plaintiff's motion and granted by this order adopting the magistrate judge's report and recommendation, through the utilities function of the CM/ECF system on or before **November 10, 2009**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: October 27, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 27, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS